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<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	10/756,753	UENISHI ET AL.	
	Examiner	Art Unit	
	Bernard E. Souw	2881	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/14/2005 (Remarks).
2. ☒ The allowed claim(s) is/are 1-4, 9, and 11-31.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input checked="" type="checkbox"/> Other <u>Appendix</u> .                         |

## DETAILED ACTION

### ***EXAMINER'S AMENDMENT***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this Examiner's Amendment has been given during a phone conversation with applicant's attorney, Mr. Dan Williams, Reg. No. 54,221, on December 01, 2005.

#### **In the claims:**

- ▶ See attached Appendix of claims amendment faxed to the Examiner on 12/01/2005, which are allowed by the Examiner.
- ▶ Claim 28 is further amended by changing "claim 9" in line 1 to "**claim 22**". Authorization for this further amendment has been given during a phone conversation with applicant's attorney, Mr. Dan Williams, on 12/02/2005.

### ***Applicant's Remarks and Arguments***

2. The Remarks and Arguments filed 09/14/2205 have been entered. The present Office Action is made with all the arguments being fully considered. Considered are also the new claim amendment faxed to the Examiner on 12/01/2005.

- ▶ Claims 5, 6, 7, 8 and 10 have been cancelled.

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- ▶ Claims 1 and 9 have been amended.
- ▶ New claims 20-31 have been added.

Claims 1-4, 9 and 11-31 remain pending in this office action.

### ***ALLOWANCE***

3. Claims 1-4, 9, and 11-31 are allowed.

The allowed claims are subsequently renumbered by the Examiner to claims 1-26.

### ***Reasons for Allowance***

4. The following is an examiner's statement of reasons for allowance:

- ▶ A method for analyzing the constituents of a thin film, comprising a step of cutting the thin film obliquely and a step of analyzing the cut section of the thin film by TOF-SIMS method, as recited in claim 1, is neither anticipated nor rendered obvious by any prior art.
- ▶ A method for analyzing the constituents of a thin film, comprising a step of cutting the thin film obliquely and a step of analyzing the cut section of the thin film by  $\mu$ -ESCA method, as recited in claim 9, is neither anticipated nor rendered obvious by any prior art.
- ▶ Claims 2-4 and 11-31 are also allowed because of its/their dependencies, either directly or indirectly, upon claim 1 or claim 9.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Relevant Prior Art***

6. This prior art made of record and not relied upon is considered pertinent to applicant's disclosure: USPAT 4,950,548, issued to Furusawa et al., USPAT 5,645,909 issued to Kobayashi et al., and USPAT 6,214,107 issued to Kitabatake et al. disclose a method of cutting and etching a thin film.

However, Furusawa et al. does not disclose (or suggest) a step of cutting the thin film obliquely, neither does Kobayashi et al. nor Kitabatake et al. Instead, Furusawa cuts the thin film straight. Furthermore, Kobayashi does not "cut" a thin film, but instead, suggests depositing materials in an oblique fashion followed by etching in an oblique fashion to create the oblique surface (col. 3/ll.2-15 ). In this regard, a skilled artisan would not have been motivated to cut Furusawa's thin film in an oblique fashion based on Kobayashi's teachings. Kitabatake et al. does not provide motivation to combine Furusawa's with Kobayashi's teaching, since Kitabatake et al. suggests a terrace and step like arrangement, but not an obliquely cut thin film.

### ***Communications***


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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard E Souw whose telephone number is 571 272 2482. The examiner can normally be reached on Monday thru Friday, 9:00 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R Lee can be reached on 571 272 2477. The central fax phone number for the organization where this application or proceeding is assigned is 571 273 8300 for regular communications as well as for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571 272 5993.

bes  
November 08, 2005

  
JOHN R. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800